

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BERNARD JERRY,	:
Plaintiff	:
v.	: Case No. 3:08-cv-125-KRG-KAP
JEFFREY BEARD, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 30, 2011, docket no. 89, recommending that the plaintiff's motion for summary judgment at docket no. 80 be denied, and defendants' motion for summary judgment at docket no. 83 be granted.

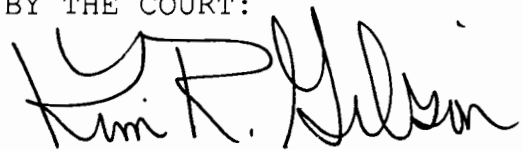
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 91, docket no. 92 (docketed as a motion to file supplemental objections) and a motion to disqualify defendants' counsel, that are all meritless. The Clerk can terminate the motions at docket no. 90 and docket no. 92 as denied.

After de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 28th day of February, 2012, it is

ORDERED that the defendants' motion for summary judgment, docket no. 83, is granted and the complaint is dismissed without prejudice to plaintiff pursuing his claim for the destruction of his property (the work entitled "Pinky Pigg") in the appropriate state court. See 42 Pa.C.S. § 5103. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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